

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 60 Session of 2017

INTRODUCED BY GREENLEAF, RESCHENTHALER, BAKER, TARTAGLIONE, WHITE, RAFFERTY AND MENSCH, JANUARY 12, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JANUARY 24, 2017

AN ACT

1 Amending the act of February 24, 1984 (P.L.92, No.17), entitled
2 "An act regulating the purchase and sale of precious metals,"
3 further providing for LICENSE REQUIRED, FOR dealer's <--
4 retention of precious metal and availability for inspection
5 AND FOR PENALTY. <--

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 4 of the act of February 24, 1984 <--
9 (P.L.92, No.17), referred to as the Precious Metal Sale
10 Regulation Law, is amended to read:

11 SECTION 1. SECTIONS 2 AND 4 OF THE ACT OF FEBRUARY 24, 1984 <--
12 (P.L.92, NO.17), REFERRED TO AS THE PRECIOUS METAL SALE
13 REGULATION LAW, ARE AMENDED TO READ:

14 SECTION 2. LICENSE REQUIRED.

15 (A) DEALER.--A DEALER IN PRECIOUS METALS SHALL OBTAIN A
16 LICENSE FROM THE SHERIFF OF EACH AND EVERY COUNTY IN WHICH THE
17 DEALER PURCHASES PRECIOUS METALS. THE LICENSE SHALL BE DISPLAYED
18 IN THE AREA OF THE BUSINESS WHERE PRECIOUS METAL TRANSACTIONS
19 TRANSPIRE.

1 (B) APPLICATION FORM.--THE APPLICATION FOR SUCH LICENSE
2 SHALL BE ON A FORM AS PRESCRIBED IN REGULATIONS PROMULGATED BY
3 THE ATTORNEY GENERAL.

4 (C) LICENSE FEE.--THE LICENSE FEE SHALL NOT EXCEED [\$50]
5 \$125 PER YEAR AS SET BY THE ATTORNEY GENERAL. SUCH FEE SHALL BE
6 PAID INTO THE TREASURY OF THE COUNTY WHERE THE LICENSE IS ISSUED
7 FOR THE USE OF THE COUNTY, WITH NOT LESS THAN 50% OF THE FEE
8 ALLOCATED TO THE COUNTY SHERIFF'S OFFICE.

9 (D) DURATION OF LICENSE.--THE LICENSE SHALL BE FOR ONE YEAR.

10 (E) APPLICATION TO BE PUBLIC RECORD.--SUCH LICENSE
11 APPLICATION SHALL BE A PUBLIC RECORD AVAILABLE TO THE GENERAL
12 PUBLIC FOR INSPECTION.

13 (F) DEALER COMPLIANCE FEE.--ANY COUNTY MAY IMPOSE A
14 COMPLIANCE FEE WHICH SHALL BE USED TO PAY COSTS ASSOCIATED WITH
15 THE MANAGEMENT AND MAINTENANCE OF COMPUTER SOFTWARE USED TO
16 MONITOR THE INPUT AND RECORDING OF PRECIOUS METAL TRANSACTIONS.
17 THE FEE SHALL ALSO BE USED TO PROVIDE RELATED SUPPORT FOR
18 TRANSACTIONS BETWEEN DEALERS IN PRECIOUS METALS AND THE DEALER'S
19 CUSTOMERS AND SHALL BE PAID BY A DEALER IN PRECIOUS METALS AS A
20 CONDITION OF LICENSURE. THE FEE SHALL BE DETERMINED BY THE
21 COUNTY AND SHALL NOT EXCEED \$250 ANNUALLY.

22 Section 4. Dealer's retention of precious metal and
23 availability for inspection.

24 (a) Precious metal to be retained for [five] 10 days.--Each
25 item of precious metal purchased by a dealer in precious metals
26 shall be retained in unaltered condition for [five] 10 full
27 working days after report of its purchase has been filed with
28 the proper district attorney or [his] the district attorney's
29 designee.

30 (b) Precious metal to be available for inspection.--Such

1 item of precious metal shall be available for inspection, during
2 the [five] 10 working days, by law enforcement officials of the
3 Federal Government, the Commonwealth or any of its
4 municipalities in the course of their law enforcement duties. A
5 search warrant shall not be required unless the inspection is
6 made during hours other than those when the dealer in precious
7 metals is open for business.

8 (c) Law enforcement officials to give notice when they
9 believe item was stolen.--If a law enforcement official has
10 probable cause to believe an item of precious metal has been
11 stolen, [he] the law enforcement officer may [give written
12 notice to the dealer in precious metals. Upon receipt of such
13 written notice, such dealer in precious metals shall retain the
14 item in unaltered condition for an additional seven days, unless
15 the law enforcement officer in writing recalls such notice.]
16 seize and retain the item in unaltered condition for a period of
17 no more than 30 days to determine whether or not the item was
18 stolen. The law enforcement officer shall provide notice to the
19 dealer upon seizing the item.

20 (d) Court may order [dealer to retain items] disposition of
21 items.--Upon application of the district attorney, any court of
22 proper jurisdiction, under its powers presently prescribed by
23 law, may order [the dealer in precious metals to retain such
24 item or items of precious metal at such place and under such
25 conditions as the court may decree.] that a law enforcement
26 officer:

27 (1) may retain an item of precious metal for a period of
28 more than 30 days; or

29 (2) shall return an item of precious metal to the
30 dealer.

1 (e) Where items to be retained.--Each item of precious metal
2 to be retained, pursuant to this section, shall be retained
3 within the county of purchase [at the location where purchased
4 by the dealer in precious metals], unless authorized in writing
5 by the district attorney or his designee to be retained
6 elsewhere.

7 SECTION 2. SECTION 10 OF THE ACT IS AMENDED BY ADDING A <--
8 SECTION TO READ:

9 SECTION 10. PENALTY.

10 * * *

11 (B.1) ALLOCATION OF PORTION OF FINES COLLECTED.--
12 NOTWITHSTANDING THE PROVISIONS OF 42 PA.C.S. §§ 3571 (RELATING
13 TO COMMONWEALTH PORTION OF FINES, ETC.) AND 3573 (RELATING TO
14 MUNICIPAL CORPORATION PORTION OF FINES, ETC.), 10% OF THE FINES
15 COLLECTED UNDER SUBSECTIONS (A) AND (B) FOR A VIOLATION OF THIS
16 ACT SHALL BE ALLOCATED TO PAY THE COSTS OF THE COUNTY COMPUTER
17 SOFTWARE UNDER SECTION 2(F).

18 * * *

19 Section 2 3. This act shall take effect immediately. <--